

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT-1930	<div style="display: flex; justify-content: space-between;"> FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) </div>	
International application No. PCT/KR2003/001577	International filing date (day/month/year) 07 AUGUST 2003 (07.08.2003)	Priority date (day/month/year) 07 AUGUST 2002 (07.08.2002)
International Patent Classification (IPC) or national classification and IPC IPC7 A43B 17/00, A43B 13/14, A43B 5/00		
Applicant AISON CO., LTD. et al		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>3</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>3</u> sheets.
3.	This report contains indications relating to the following items: <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand <div style="text-align: center;">05 MARCH 2004 (05.03.2004)</div>	Date of completion of this report <div style="text-align: center;">30 NOVEMBER 2004 (30.11.2004)</div>
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer <div style="text-align: center;">BAHN, Yong Byung</div> Telephone No. 82-42-481-5539 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/KR2003/001577

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages 1-12, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☒ the claims:
pages NONE, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages 13-15, filed with the letter of 14/10/2004
- ☒ the drawings:
pages 1-9, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☒ the sequence listing part of the description:
pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language English which is

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☒ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. 2
- ☐ the drawings, sheet _____

5.

- ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed." and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION

International application No.

PCT/KR2003/001577

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1, 3-11</u>	YES
	Claims	<u>NONE</u>	NO
Inventive step (IS)	Claims	<u>1, 3-11</u>	YES
	Claims	<u>NONE</u>	NO
Industrial applicability (IA)	Claims	<u>1, 3-11</u>	YES
	Claims	<u>NONE</u>	NO

2. Citations and explanations (Rule 70.7)

Claim 1 has been amended, claim 2 has been cancelled, and claims 3 to 11 have been amended. The scope of these claims has not been extended beyond the disclosure of the patent application as filed.

Reference is made to the following document:

D1: KR 285242 Y1 (Choi, Yoon-Cha)

The present invention relates to a footwear insole comprising an insole body and a load-applying part installed on a rear portion of the insole body in order to increase the weight of the footwear. The load-applying part comprises an insert member formed of a heavy weight material and a receiving part formed of an elastic material for said insert member, which is designed to be removably attachable to the insole body.

Document D1, which is considered to represent the most relevant state of the art, discloses sports shoes for enhancing physical strength having their sole divided into the upper and middle layer and a bottom sole, including: two high-elastic sponges adhered to the top surface of the middle layer thereof; a plurality of holes widely distributed in both the upper sole and two elastic sponges; a certain space formed inside of the middle layer; and PVC pipes and/or metal tubes engaged with given intervals in the above space.

In some remarks submitted by the applicant on 14/10/2004, the present invention is found to satisfy the requirements of Article 33(2) and (3) PCT in view of novelty and inventive step.

The subject matter of the present invention as defined by claims 1 and 3-11 differs from that of D1 since an insole is designed detachable and is formed of an elastic material capable of absorbing impact applied to the insert member. So, these technical feature of the present invention are not easily conceivable by even an ordinary skilled person in the art.

Therefore, the subject matter of claims 1 and 3-11 is considered to be novel, to involve an inventive step and to be industrially applicable.